

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

PATRICK JACQUES,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:22-CV-31
(GROH)**

**CO DAUGHERTY,
Property Officer USP Hazelton,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued an R&R [ECF No. 49] on December 27, 2022. In the R&R, Judge Trumble recommends that the Defendant’s Motion to Dismiss be granted, Plaintiff’s complaint be dismissed without prejudice, and Plaintiff’s motions to certify class action and motions for injunctive relief be denied.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140,

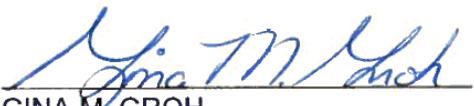
150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the *pro se* Plaintiff on January 9, 2023. ECF No. 50. After allowing additional time for transit in the mail, the Court finds that the deadline for the Plaintiff to submit objections to the R&R has passed. No objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 49] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the Defendant's Motion to Dismiss is **GRANTED**. ECF No. 38. The Plaintiff's Motions for injunctive relief [ECF Nos. 46 & 47] are **DENIED as MOOT**. Further, the Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**. ECF No. 1. The Clerk of Court is **DIRECTED** to remove this Civil Action from the Court's active docket.

The Clerk of Court is further **DIRECTED** to transmit copies of this Order to all counsel of record herein and to mail a copy to the Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: March 1, 2023


GINA M. GROH
UNITED STATES DISTRICT JUDGE